

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KEVIN HARRISON,

Plaintiff,

v.

JENNIFER SACHSE, et al.,

Defendants.

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No. 4:15CV631 AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for extension of time to file a notice of appeal. Plaintiff requests an extension of time to file his appeal because of the unavailability of paperwork due to his incarceration. The Court will grant his motion.

Under Rule 4(a)(5)(A) of the Federal Rules of Appellate Procedure, this Court may extend the time for filing a notice of appeal if the "party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires" and if the "party shows excusable neglect or good cause." "No extension under . . . Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later." Fed.R.App.P. 4(a)(5)(C). The United States Court of Appeals for the Eighth Circuit has counseled that pro se appellants may be given "special consideration . . . regarding their notices of appeal." *Weekley v. Jones*, 927 F.2d 382, 386 (8th Cir. 1991).

The Court dismissed plaintiff's case pursuant to Fed.R.Civ.P.12(b)(6) and Fed.R.Civ.P.56 on February 24, 2016. Under Rules 4(a)(1)(A) and 25(a)(2)(C) of the Federal Rules of Appellate Procedure, plaintiff's notice of appeal was due to be placed in the mail system at Missouri Eastern Correctional Center ("MECC") no later than March 25, 2016. Plaintiff placed his motion for

extension of time in MECC's mail system on March 21, 2016. As a result, plaintiff's motion for extension of time was timely filed. Additionally, the Court finds that plaintiff's pro se status is good cause for granting the motion.

Plaintiff's motion, therefore, will be granted. The Court will extend the time for filing a notice of appeal on or before April 23, 2016.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for extension of time to file a notice of appeal [Doc. #38] is **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff's notice of appeal must be filed by placing it in the prison mailing system **no later than April 23, 2016**.

**IT IS FURTHER ORDERED** that the Clerk shall mail to plaintiff a copy of the Court's form "Notice of Appeal – Prisoner."

Dated this 31st day of March, 2016.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE